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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

Mani Aden

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE AS A
DESIGNATED/ELECTED OFFICE FOR THE PATENT COOPERATION TREATY**

In the application of:

Christian Pinset

Serial No.: 10/538,655 ✓

Filing Date: 6/11/05

For: CULTURE MEDIUM COMPOSITION,
CULTURE METHOD, AND
MYOBLASTS OBTAINED AND THEIR
USES

Examiner:

Group Art Unit: 1632

**SUBMISSION OF A DECLARATION FOR PATENT APPLICATION BEFORE
RECEIPT OF A NOTICE OF ACCEPTANCE OF APPLICATION UNDER
35 U.S.C 371 AND 37 CFR 1.495**

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a submission of a Declaration for Patent Application before receipt of a Notice of Acceptance of Application for the above identified application, which is a national stage application based on PCT application PCT/FR03/003691, filed December 12, 2003.

Attached please find:

1. Declaration for Patent Application;
2. Copy of Transmittal Letter to the United States Designated/Elected Office Concerning Submission Under 35 U.S.C. 371, and
3. Return Receipt Post Card.

At the time of filing the above mentioned application, a surcharge of \$130.00 was paid for filing the oath or declaration later than 30 months from the earliest claimed priority date. A copy of the Transmittal Letter to the United States Designated/Elected Office Concerning Submission under 35 U.S.C. 371, filed June 11, 2005, showing payment of the surcharge is included with this submission for your reference. Accordingly, Applicant believes no additional fee or separate requirements are required.

However, in the unlikely event that the Patent Office determines that additional fees, extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. **50-1128** referencing CABH.P0002. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: December 23, 2005

By: _____

Mani Adeli
Registration No. 39,585

Stattler, Johansen & Adeli LLP
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Los Angeles, CA 90067
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Facsimile: (310) 785-0998

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

CABH.P0002

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.

PCT/FR03/003691

INTERNATIONAL FILING DATE

12 DECEMBER 2003

PRIORITY DATE CLAIMED

13 DECEMBER 2002

TITLE OF INVENTION Culture Medium Composition, Culture Method, and Myoblasts Obtained and Their Uses

APPLICANT(S) FOR DO/EO/US

CELOGOS

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
 - a. ☒ is attached hereto (29 pages for specification and 5 sheets of drawings)
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An unsigned oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Return Receipt Postcard, Credit Card Form

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/FR03/03349		ATTORNEY'S DOCKET NUMBER CABH.P0001 PCT US	
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21.	<input checked="" type="checkbox"/> Basic national fee	\$300		\$ 300.00	
22.	<input checked="" type="checkbox"/> Examination fee				
If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... \$100					
All other situations \$200				\$ 200.00	
23.	<input checked="" type="checkbox"/> Search fee				
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100					
International Search Report prepared and provided to the Office \$400					
All other situations \$500				\$ 500.00	
TOTAL OF 21, 22 and 23 =				\$ 1,000.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	30 - 20 =	10	x \$50	\$ 500.00	
Independent claims	1 - 3 =	0	x \$200	\$	
MULTIPLE DEPENDENT CLAIM(s) (if applicable)			+ \$360.00	\$ 360.00	
TOTAL OF ABOVE CALCULATIONS =				\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$	
SUBTOTAL =				\$ 1,990.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				+	\$
TOTAL NATIONAL FEE =				\$ 1,990.00	
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$
TOTAL FEES ENCLOSED =				\$ 1,990.00	
				Amount to be refunded:	\$
				Amount to be charged:	\$1,990.00
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-1128</u> . A duplicate copy of this sheet is enclosed. d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
CUSTOMER NUMBER: 48947 Mani Adeli Stattler Johansen & Adeli LLP 1875 Century Park East, Suite 1050 Los Angeles, CA 90067 Application No. (if known):			SIGNATURE <u>Mani Adeli</u> NAME _____ REGISTRATION NUMBER <u>39,585</u> Attorney Docket No.: CABH.P0002		